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Attorney for Defendant, Guy Christopher Mannino

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	<b>OPPOSITION TO GOVERNMENT'S</b>
	)	<b>MOTION FOR RESTITUTION</b>
	)	
GUY CHRISTOPHER MANNINO,	)	
Defendant.	)	
_____	)	Case No. 4:13-CR-00021-SLG

Defendant Guy Christopher Mannino, by and through counsel, responds to the Government's motion for restitution as follows. He recognizes that some restitution is appropriate given his plea in this matter. That plea was entered more than a year ago; March 21, 2014. In all that time the Bankruptcy Trustee has never calculated a restitution amount based upon his estimate of the value of the concealed assets! Thus, Mr. Mannino is unable to respond with any specificity.

Mr. Mannino does take the position that the losses should be calculated by including any credits from subsequent sales of property. There was testimony at sentencing regarding the value of the residence. For purposes of determining the guideline range the Court used the value of the home without regard to the mortgage or the proceeds of sale realized by the Trustee. However, those

amounts should be considered in any restitution calculation as indicated recently in United States v Hymas, 2015 WC 1319543, March 25, 2015.

Originally the Government was to propose a restitution amount by March 23, 2015. An extension of time was granted to March 30, 2015. The Government's motion implies that the restitution figure would be supplied by the "middle of this week (week of March 30, 2015), but nothing has yet been provided to undersigned counsel as of this date.

Therefore, Mr. Mannino requests the Government's motion be denied. In the alternative, the Government should be given a deadline by which this issue must be resolved or it will have been waived by the Government.

Respectfully submitted this 3<sup>rd</sup> day of April, 2015 at Anchorage, Alaska.

s/ D. Scott Dattan

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on March 16, 2015, a copy of the foregoing OPPOSITION TO GOVERNMENT'S MOTION FOR RESTITUTION was served electronically on

Joseph W. Bottini, [joe.bottini@usdoj.gov](mailto:joe.bottini@usdoj.gov)

s/ D. Scott Dattan